

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3
4 JUSTIN EDMISTEN,

5 Petitioner,

6 v.

7 WILLIAM L. GITTERE, et al.,

8 Respondents.

Case No.: 3:22-cv-00118-RCJ-CLB

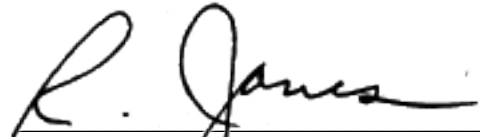
ORDER

9 *Pro se* Petitioner Justin Edmisten submitted a petition for a writ of habeas corpus and an
10 amended petition for a writ of habeas corpus on March 3, 2022, and June 17, 2022, respectively.
11 (ECF Nos. 1-1, 20.) Respondents moved to dismiss Edmisten's amended petition, and this Court
12 granted the motion, in part. (ECF Nos. 40, 58.) This Court ordered Respondents to respond to the
13 remaining claims in Edmisten's petition. (ECF No. 64.) On February 7, 2023, this Court granted
14 Respondents' second request for an extension of time, finding that good cause existed to grant the
15 motion. (ECF No. 70.) Edmisten appealed the order granting the motion for extension of time.
16 (ECF No. 72.)

17
18
19 On March 3, 2023, the Ninth Circuit Court of Appeals issued a letter to Edmisten, stating
20 that "[a] briefing schedule will not be set until the district court and, if necessary, this court
21 determines whether a certificate of appealability should issue." (ECF No. 73.) Pursuant to 28
22 U.S.C. § 2253(c)(2), a certificate of appealability may issue only when the petitioner "has made a
23 substantial showing of the denial of a constitutional right." Applying this standard, this Court finds
24 that a certificate of appealability is unwarranted because good cause existed to grant the motion
25 for an extension of time.
26
27
28

1 **IT IS THEREFORE ORDERED** that, to the extent necessary, a certificate of
2 appealability is denied as to this Court's February 7, 2023, order (ECF No. 70.)

3 Dated: March 10, 2023

4 
5 ROBERT C. JONES
6 UNITED STATES DISTRICT JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28